

1 SENATE BILL 484

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Cisco McSorley

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO  
12 INCLUDE MARRIAGE AND FAMILY THERAPISTS AS INSTRUCTIONAL SUPPORT  
13 PROVIDERS; PROVIDING FOR MARRIAGE AND FAMILY THERAPISTS TO BE  
14 LICENSED BY THE PUBLIC EDUCATION DEPARTMENT TO WORK IN PUBLIC  
15 SCHOOLS.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 Section 1. Section 22-1-2 NMSA 1978 (being Laws 2003,  
19 Chapter 153, Section 3, as amended) is amended to read:

20 "22-1-2. DEFINITIONS.--As used in the Public School Code:

21 A. "academic proficiency" means mastery of the  
22 subject-matter knowledge and skills specified in state academic  
23 content and performance standards for a student's grade level;

24 B. "adequate yearly progress" means the measure  
25 adopted by the department based on federal requirements to

.176394.1

underscored material = new  
[bracketed material] = delete

1 assess the progress that a public school or school district or  
2 the state makes toward improving student achievement;

3 C. "commission" means the public education  
4 commission;

5 D. "department" means the public education  
6 department;

7 E. "forty-day report" means the report of qualified  
8 student membership of each school district and of those  
9 eligible to be qualified students but enrolled in a private  
10 school or a home school for the first forty days of school;

11 F. "home school" means the operation by the parent  
12 of a school-age person of a home study program of instruction  
13 that provides a basic academic educational program, including  
14 reading, language arts, mathematics, social studies and  
15 science;

16 G. "instructional support provider" means a person  
17 who is employed to support the instructional program of a  
18 school district, including educational assistant, school  
19 counselor, social worker, school nurse, speech-language  
20 pathologist, psychologist, physical therapist, occupational  
21 therapist, recreational therapist, marriage and family  
22 therapist, interpreter for the deaf and diagnostician;

23 H. "licensed school employee" means teachers,  
24 school administrators and instructional support providers;

25 I. "local school board" means the policy-setting

1 body of a school district;

2 J. "local superintendent" means the chief executive  
3 officer of a school district;

4 K. "parent" includes a guardian or other person  
5 having custody and control of a school-age person;

6 L. "private school" means a school, other than a  
7 home school, that offers on-site programs of instruction and  
8 that is not under the control, supervision or management of a  
9 local school board;

10 M. "public school" means that part of a school  
11 district that is a single attendance center in which  
12 instruction is offered by one or more teachers and is  
13 discernible as a building or group of buildings generally  
14 recognized as either an elementary, middle, junior high or high  
15 school or any combination of those and includes a charter  
16 school;

17 N. "school" means a supervised program of  
18 instruction designed to educate a student in a particular  
19 place, manner and subject area;

20 O. "school administrator" means a person licensed  
21 to administer in a school district and includes school  
22 principals and central district administrators;

23 P. "school-age person" means a person who is at  
24 least five years of age prior to 12:01 a.m. on September 1 of  
25 the school year and who has not received a high school diploma

.176394.1

1 or its equivalent. A maximum age of twenty-one shall be used  
2 for a person who is classified as special education membership  
3 as defined in Section 22-8-21 NMSA 1978 or as a resident of a  
4 state institution;

5 Q. "school building" means a public school, an  
6 administration building and related school structures or  
7 facilities, including teacher housing, that is owned, acquired  
8 or constructed by the school district as necessary to carry out  
9 the functions of the school district;

10 R. "school bus private owner" means a person, other  
11 than a school district, the department, the state or any other  
12 political subdivision of the state, that owns a school bus;

13 S. "school district" means an area of land  
14 established as a political subdivision of the state for the  
15 administration of public schools and segregated geographically  
16 for taxation and bonding purposes;

17 T. "school employee" includes licensed and  
18 nonlicensed employees of a school district;

19 U. "school principal" means the chief instructional  
20 leader and administrative head of a public school;

21 V. "school year" means the total number of contract  
22 days offered by public schools in a school district during a  
23 period of twelve consecutive months;

24 W. "secretary" means the secretary of public  
25 education;

1 X. "state agency" or "state institution" means the  
2 New Mexico military institute, New Mexico school for the blind  
3 and visually impaired, New Mexico school for the deaf, New  
4 Mexico boys' school, girls' welfare home, New Mexico youth  
5 diagnostic and development center, Sequoyah adolescent  
6 treatment center, Carrie Tingley crippled children's hospital,  
7 New Mexico behavioral health institute at Las Vegas and any  
8 other state agency responsible for educating resident children;

9 Y. "state educational institution" means an  
10 institution enumerated in Article 12, Section 11 of the  
11 constitution of New Mexico;

12 Z. "substitute teacher" means a person who holds a  
13 certificate to substitute for a teacher in the classroom;

14 AA. "teacher" means a person who holds a level one,  
15 two or three-A license and whose primary duty is classroom  
16 instruction or the supervision, below the school principal  
17 level, of an instructional program or whose duties include  
18 curriculum development, peer intervention, peer coaching or  
19 mentoring or serving as a resource teacher for other teachers;

20 BB. "certified school instructor" means a teacher  
21 or instructional support provider; and

22 CC. "certified school employee" or "certified  
23 school personnel" means a licensed school employee."

24 Section 2. Section 22-10A-17 NMSA 1978 (being Laws 2003,  
25 Chapter 153, Section 48, as amended) is amended to read:

.176394.1

1 "22-10A-17. INSTRUCTIONAL SUPPORT PROVIDER LICENSES.--

2 A. The department shall license instructional  
3 support providers, including educational assistants, school  
4 counselors, school social workers, school nurses, speech-  
5 language pathologists, psychologists, physical therapists,  
6 physical therapy assistants, occupational therapists,  
7 occupational therapy assistants, recreational therapists,  
8 marriage and family therapists, interpreters for the deaf,  
9 diagnosticians and other service providers. The department may  
10 provide a professional licensing framework in which licensees  
11 can advance in their careers through the demonstration of  
12 increased competencies and the undertaking of increased duties.

13 B. The department shall provide by rule for the  
14 requirements for licensure of types of instructional support  
15 providers. If an instructional support provider practices a  
16 licensed profession, [~~he~~] the provider shall provide evidence  
17 satisfactory to the department that [~~he~~] the provider holds a  
18 current, unsuspended license in the profession for which [~~he~~]  
19 the provider is applying to provide instructional support  
20 services. The instructional support provider shall notify the  
21 school district and department immediately if [~~his~~] the  
22 provider's professional license is suspended, revoked or  
23 denied. Suspension, revocation or denial of a professional  
24 license shall be just cause for discharge or termination and  
25 suspension, revocation or denial of the instructional support

.176394.1

underscored material = new  
[bracketed material] = delete

1 provider license."

2 - 7 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.176394.1